

16-55286

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

JACOB GREGOIRE,

Plaintiff-Appellee,

v.

CALIFORNIA HIGHWAY PATROL, an
agency of the State of California; SERGIO
FLORES,

Defendants-Appellants.

On Appeal from the United States District Court
for the Southern District of California

No. 3:14-cv-01749-GPC-DHB
The Honorable Gonzalo P. Curiel,
United States District Judge

**DECLARATION OF DOUGLAS E. BAXTER IN SUPPORT OF
APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE
APPELLANTS' REPLY BRIEF**

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Flores*

I, Douglas E. Baxter, hereby declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and authorized to appear before this Court. I am employed as a Deputy Attorney General for the California Attorney General's Office. I have been assigned to represent Defendants-Appellants in this action since the time of their first appearances in the lower court action – No. 3:14-cv-01749-GPC-DHB

2. The current deadline for filing Appellants' Reply Brief is July 28, 2017. Because of multiple work commitments to be explained below, I will not be able to complete the Reply Brief before that date.

3. Although Appellee Jacob Gregoire's Answering Brief was filed on July 16, 2017, I was unable to perform any work in June 2017 on reviewing, researching, and responding to the Answering Brief. Throughout the entire month of June 2017, I was in trial in the Orange County Superior Court case of *Frances Prizzia v. California Department of Motor Vehicles, et al.*, 30-2013-00632497-CU-CR-CJC. The time lost in trial in that case, set me far behind on deadlines for multiple pending cases.

4. Since completing trial in the state court case, I expended substantial time researching grounds for a possible post-trial motions in the same case. I needed to conduct that research on a priority basis, given the trial court's expectation that such motions either be filed forthwith or judgment be entered.

5. In the first week of July, I had to spend time reviewing discovery materials to prepare for a mandatory settlement conference in the case of *James Austin v. R. Walker, et al.*, United States District Court for the Southern District of California, Case No. 3:16-cv-02088-CAB-JLB. I also needed to meet written discovery response deadlines in a civil rights case called *Antonio G. Medina v. State of California, et al.*, San Diego County Superior Court, 37-2017-00004716-CU-CR-NC. In the civil rights action of *Alexis Yancy, et al. v. State of California, et al.*, United States District Court for the Southern District of California, Case No. 15-cv-0580 JM (PCL), I have been expending numerous hours in July preparing for and taking percipient and expert witness depositions, as well as responding to further written discovery and preparing for a fast-approaching trial. I also had to meet discovery tasks in the Riverside County Superior Court case of *Pedro Miramontes v. Cynthia Y. Tampkins*, RIC1600817. Substantial time has been expended this month on the civil rights action of *Jossie Ramos, et al. v. Gary Swatzell, et al.*, United States District Court for the Central District of California, Case No. ED CV 12-01089 BRO (SPx). This is a complicated and document-intensive civil rights action. I have had to direct much of my attention this month to conducting document review on thousands of pages of written documents and audio and video recordings for purposes of responding to pending subpoenas for documents. There is a very short timeline for responding to these subpoenas and

thousands of records still need to be reviewed for responsiveness to each of 130 document request categories and for preparation of privilege logs. I am the person charged with performing these tasks. This past month has also involved research and writing a demurrer in the case of *Erin Nepusz v. City of Cathedral City, et al.*, Riverside County Superior Court, Case No. PSC1602440.

6. It is the policy of the California Attorney General's Office that appellate briefs be reviewed at multiple supervisory levels before they can be filed. Furthermore, staff attorneys for the California Highway Patrol must also review appellate briefs prepared by the California Attorney General's office before such briefs can be filed. While I have commenced work on the research and argument development for the Reply Brief, the additional fourteen days being requested is needed for me to complete an initial draft, circulate for supervisory and client review, make revisions, and prepare the final product for filing.

7. On the morning of July 21, 2017, I Appellee's counsel Thomas Luneau and Steve Hoffman by email to ask whether they would object to this request for a fourteen-day extension of time for Appellants to file their Reply Brief. Both counsel responded by email that they did not object.

I affirm under penalty of perjury under the laws of the State of California and of the United States that the foregoing is true and correct of my own

knowledge and that this declaration is being executed on this 21st day of July 2017
at San Diego, California.

s/Douglas E. Baxter

Douglas E. Baxter

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CERTIFICATE OF SERVICE

Case Name: Gregoire v. CHP No. A16-55286

I hereby certify that on July 21, 2017, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**1. APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT'S REPLY BRIEF**

**2. DECLARATION OF DOUGLAS E. BAXTER IN SUPPORT OF APPELLANTS'
MOTION FOR EXTENSION OF TIME TO FILE APPELLANTS' REPLY BRIEF**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 21, 2017, at San Diego, California.

J. L. Hall

Declarant

SD2016700257



Signature